

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MARK S. FRAZIER	:	CIVIL ACTION
<i>Plaintiff-pro se</i>	:	
	:	
v.	:	NO. 18-4673
	:	
THE STATE OF PENN, et al.	:	
<i>Defendants</i>	:	

ORDER

AND NOW, this 24th day of January 2019, upon consideration of Plaintiff Mark Frazier's "Amended Motion to Reopen Case" (ECF No. 12), which this Court has construed as a *motion to proceed in forma pauperis*, and his *pro se* Complaint (ECF No. 2), it is hereby **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED**.
2. The Complaint is **DEEMED** filed.
3. The Complaint is **DISMISSED** for the reasons set forth in the Court's Memorandum.

Frazier's claims are **DISMISSED, with prejudice**, with the exception of his Fourth Amendment claims related to his arrest and prosecution in *Commonwealth v. Frazier*, MC-51-CR-0025866-2018 (Phila. Municipal Ct.), which are **DISMISSED, without prejudice**.

4. Frazier is given leave to file an amended complaint within thirty (30) days of the date of this Order *only* with respect to his Fourth Amendment claims related to his arrest and prosecution in *Commonwealth v. Frazier*, MC-51-CR-0025866-2018 (Phila. Municipal Ct.). If Frazier files an amended complaint, he must identify all of the defendants in the caption of the amended complaint. The amended complaint must also clearly describe how each defendant was responsible for violating Frazier's rights and should not rely on other pleadings or documents filed in this case to state a claim. Frazier **shall not** raise or include any claims that this Court dismissed

with prejudice. Upon the filing of an amended complaint, the Clerk of Court shall not make service until so **ORDERED**.

5. The Clerk of Court shall **SEND** Frazier a blank copy of the Court's form complaint for a non-prisoner filing a civil action bearing the civil action number for this case. Frazier may use this form to file an amended complaint if he decides to do so.

6. If Frazier fails to file an amended complaint, his case may be dismissed for failure to prosecute without further notice.

BY THE COURT:

/s/ Nitza I. Quiñones Alejandro

NITZA I. QUIÑONES ALEJANDRO

Judge, United States District Court